



The International Brotherhood of Teamsters

Testimony On Truck Security and Hazardous Materials
Licensing

Before the

Subcommittee on Surface Transportation and Merchant Marine

Committee on Commerce, Science, and Transportation
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International Brotherhood of Teamsters
25 Louisiana Avenue, NW
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Mr. Chairman and Members of the Subcommittee:

My name is Keith Gleason and I am Director of the Tank Haul Division of the International Brotherhood of Teamsters. On behalf of our General President, Jim Hoffa, I want to thank you for the opportunity to appear here today to discuss the important topic of safety and security in the trucking industry. The events of September 11th should cause all of us to take a different look at the everyday procedures that we use to transport cargo, especially hazardous materials, and to make sure that dangerous loads do not fall into the hands of those that can do harm to the people of the United States.

While hazardous cargo is prevalent in all sectors of the trucking industry, with more than 800,000 shipments each day, today I would like to concentrate on the tank haul sector. While it accounts for only about 5% of truck cargo transport

in the U.S., its loads of chemicals, explosives, petroleum products, liquefied gases and poisons are some of the most dangerous and volatile on our highways. That's not to say that we should not be concerned about the few drums of hazmat that may be contained in a less-than truckload trailer. The Teamsters Union, however, believes that many of the same safety and security procedures should be adopted industry-wide, and I will attempt to give you some suggestions from a truck driver's viewpoint.

Currently, there are about 10,000 Teamster members in the Tank Haul Division, employed at 159 different companies. The liquid, gas and dry bulk transport industry has undergone dramatic changes in the last five years. Unprecedented merger and acquisition activity by the major companies has caused the industry to become dominated by a few large tank carriers. Its driving population has become one characterized by owner-operators as carriers attempt to build in flexibility and de-unionize the workforce. That means that many companies are relying on drivers that they don't know, instead of employee drivers who often times are a more stable workforce with higher pay and less turnover.

Recent news accounts have detailed attempts by purported terrorists to obtain hazardous materials transport permits. We believe that there is as much potential for someone to merely steal a truck than to go through the process of

obtaining the proper commercial drivers license (CDL) and hazardous materials endorsement - although that route itself is fairly easy to follow. The Teamsters Union conducts a four-hour course for drivers in hazard awareness training in preparation for a driver to take a written test to obtain his hazmat endorsement. Some companies merely put their drivers in a room and show them a one-hour video. That video does not even address security issues. But it is clear from the events of last month that training for the hazmat endorsement should be more rigorous and contain a segment outlining security, where the driver is taught to be aware of his surroundings, to secure his truck and load adequately when parked, and to take other special precautions to keep his load from becoming a weapon for a terrorist. That might also require a review of routes taken by tank haul trucks and other carriers hauling hazardous materials that takes them away from population centers, for example.

A trip to Houston last week reminded me of another problem in the industry. A good percentage of chemical loads are pre-loaded. That is, they are loaded at a plant and transported, sometimes 5 to 10 miles away by city drivers, to a holding lot or staging area, where they sit, 50 to 100 tanks, often in an unattended, unfenced lot, waiting for long-haul drivers pick up the loads. That particular practice should be reviewed and carriers should implement better security at their terminals and

holding lots.

Some trucks are electric start, where a key is needed, while other are air start. You don't need a key. You just push a button. Of course, many drivers don't lock their cabs, especially when they are preparing to unload or running into a bathroom at the local service station. How many of you have seen the tank truck dispensing its 10,000 gallons of gas at the service station? The driver is at the back of the truck opening the fill cap lid to a 30,000 gallon underground tank, which by the way isn't secure either, and the cab door is flung open. All someone has to do is take off with the truck or worse yet, light a flare and toss it. That tank haul truck holds as much gasoline as a commercial airliner and in some cases even transports jet fuel to airports. It's easy to figure out what the results could be.

Many other hazardous material classifications, including chemicals such as chlorine, pose a potential threat as well. Chlorine is a common chemical transported by truck that is both an irritant and an asphyxiant. If a load of chlorine were ignited, it would pose a significant health threat to the nearby population as well as presenting a gas hazard for emergency responders. Other chemical loads could be dumped into a reservoir or other water supply, and liquid gas loads like oxygen and hydrogen could be ignited near population centers.

The potential for destruction is great. But how do we combat this

possibility? Let's start with the driver. The Federal Motor Carrier Safety Administration (FMCSA) last week issued an alert to trucking companies carrying hazardous materials, calling on them to develop a transportation security plan. It recognized that the employee is the first line of defense in security, but can also be a security risk. Unfortunately, owner-operators dominate the tank haul industry. Unionized companies are good at screening people to make sure they have the proper license and endorsement. In most cases there is a probationary period. And, with high wages and good benefits, there is experience that comes with longevity, because that person is working toward a 25 or 30-year pension. The same cannot be said for owner-operators, who can hire their brother-in-law, cousin or a friend to drive their truck one day. Let me make it clear that I am not suggesting that owner-operators necessarily pose a greater security risk. What I am saying is there is less control, less frequent contact with the carrier, and greater turnover. It would be difficult to capture and screen that universe of drivers.

Most trucking companies require drivers to disclose their criminal records on employment applications. Therefore, those with serious convictions cannot get jobs driving even if they have a CDL and hazardous materials endorsement. Of course, anyone that is likely to commit a terrorist act isn't going to volunteer that information readily. Even with criminal background checks, it is difficult, if not

impossible, to check the record of a recent immigrant who hasn't been in the country very long. Certainly, any suspicious applicants should be carefully scrutinized, but to subject a ten or twenty-year driver with a spotless employment record to a criminal background check is not only a waste of time, but also a waste of precious law enforcement resources. Quite frankly, it would be almost impossible to perform thorough criminal background checks on the universe of drivers that carry hazmat.

Let me mention a couple other areas of concern. One is where the Teamsters Union is actually trying to organize drivers – in the ports. I know that the Subcommittee heard testimony last week on port security, but one security issue that was not addressed was that pertaining to the movement of containers out of the port terminals. Port truck drivers are some of the lowest paid truck drivers in the country. Many of them are recent immigrants who can barely scratch out a living hauling the containers from our nation's ports. The turnover and bankruptcy rates are extremely high, and right now they are all owner-operators. They have no employer, per se, to check their driving record, to question their employment history and experience, or to confirm that they have valid licenses, permits or other documentation. They drive into the ports, pick up a container, perhaps one loaded with hazardous materials, and then proceed onto their destination, we hope! Similar

to low paid airline security screeners, the situation in the ports is ripe for compromise and, in fact, is putting the public at risk. During March 2001, the FMSCA placed additional emphasis on the safety of shippers of hazardous materials. The FMSCA conducted 4822 inspections at among other locations, dockside, intermodal facilities and roadsides and found 1,112 violations (a 23% violation rate) of federal hazmat regulations. In addition, during 2000 in the Oakland-San Francisco area, the Coast Guard working with the Federal Railroad Administration inspected 39 intermodal containers and found 15 violations. The situation there is ripe for compromise. We're trying to bring some stabilization to this segment of the industry, but it hasn't been easy.

Another segment that I mentioned earlier is the less-than-truckload carriers. These are carriers that consolidate many smaller shipments into one trailer load. While they may only be carrying a few drums of hazmat as a portion of their entire manifest, it doesn't take much to poison a water supply or cause a spill that requires large areas to be evacuated. The Teamsters Union is working with the Motor Freight Carriers Association, which represents our six biggest union trucking employers, to form a Labor-Management Security Task Force to examine safety and security issues in that segment of the industry. It's a bigger job in some ways, because these smaller amounts may not get the attention they deserve. They do,

however, add up to almost half a million shipments a year for the MFCA companies.

Finally, we cannot neglect our borders. Terrorists have already been caught trying to smuggle explosives into the United States from Canada in a plot to bomb a major U.S. target during the Millenium celebration. While I am unfamiliar with the amount of hazardous materials that move between the U.S. and Canada, I am certain that a fair amount does. This poses an additional threat to the United States. Now, greater scrutiny of cargo coming from both Mexico and Canada has caused even longer lines of trucks waiting at the borders. While this may be an inconvenience to those manufacturers waiting for “just-in-time” deliveries, we cannot and should not relinquish our sovereign right to protect our borders from dangerous cargo.

Better border security calls for a greater inspection presence at both borders, particularly at the U.S.-Mexico border where 25% of the trucks crossing into the United States from Mexico carry hazardous materials. The emergence of chemical plants in the Maquiladora region has increased hazmat traffic from Mexico to the U.S. significantly. While the focus on Capitol Hill recently has been on the safety of Mexican trucks, it is clear that the attention must now be on what they carry and who is driving them. The current restriction on Mexican trucks to travel only into

the U.S. commercial zones is in danger of being lifted by this Administration, despite overwhelming opposition to that action by both Houses of Congress.

The U.S. only inspects 1% of the Mexican trucks crossing into the United States. The small number of inspectors and the lack of permanent inspection facilities is even more cause for concern since the events of September 11. The Department of Transportation's Inspector General has repeatedly recommended a minimum of 140 inspectors at the border crossings. We sit here now without a Transportation Appropriations bill passed that would provide a source of funding for additional inspectors and facilities, and we're potentially two and one-half months away from a Mexican truck carrying toxic chemicals, explosives or other volatile hazardous materials being able to travel anywhere in the United States. That makes absolutely no sense at all.

Even more frightening is the fact that the database to identify Mexican drivers is severely underpopulated. There is no way to verify the driving record of most Mexican drivers. Add to that the fact that CDLs can be purchased or fraudulently obtained fairly easily in Mexico. I would also suggest that hazardous materials endorsement requirements are severely lacking in that country as well.

The Teamsters Union does not believe that it would be prudent to allow thousands of additional hazmat carrying trucks to roam the country while we

wrestle to get a handle on how to improve the safety and security of our own trucking industry. The Administration is dead wrong to continue to push to lift the current moratorium on Mexican trucks. I would further maintain that if Mexico's President, Vicente Fox, is such a good friend of our President, then he should respect the security issues that the U.S. government is dealing with today and will not continue to push this issue at this time.

Mr. Chairman, the FMCSA has made several good recommendations for improving security in the trucking industry. The Teamsters Union and its member drivers stand ready to assist in this effort. I would encourage all employers in the transportation industry to involve your employees in formulating your new safety and security plans. Make your employees feel a part of what you are trying to accomplish. They are the first line of defense and are the eyes and ears of your security network. They can be valuable allies in this fight to avert further terrorist activities in the United States.

Thank you for the opportunity to testify here today, and I will answer any questions the Subcommittee may have.